

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

CSX TRANSPORTATION, INC.,

Plaintiff,

v.

Case No. 08-14087  
Hon. Lawrence P. Zatkoff

PETRO-CANADA,

Defendant.

**ORDER**

This matter is before the Court on the parties' joint motion [dkt 14] to extend the deadlines set forth in the Court's scheduling order. The parties request that the Court extend the following dates by 60 days: (1) the discovery cut-off date; (2) the witness list exchange date; and (3) the dispositive motion cut-off date.

Pursuant to Fed. R. Civ. P. 16(b)(4), "a schedule may be modified only for good cause and with the judge's consent." The parties submit that extending the above dates would allow them to contemplate non-binding mediation and possibly settle the case.

In their joint case summary [dkt 11], the parties noted that they would consider non-binding mediation after discovery. As a potential mediation session would occur after the close of discovery, and the parties have not provided any other reason to extend the discovery cut-off deadline, good cause does not exist to extend that date. The parties also requested that the witness exchange list date be modified; however, the parties have each electronically filed a witness list [dkt 15 & 16]. Therefore, the Court finds that request moot.

The Court finds that good cause does exist to extend the dispositive motion cut-off date. A mediation session has the potential to conserve the time and resources of both the parties and the

Court. The Court will grant a 60-day extension of the dispositive motion cut-off deadline.

Accordingly, IT IS HEREBY ORDERED that the parties' joint motion to extend deadlines is DENIED IN PART and GRANTED IN PART. The dispositive motion cut-off date, originally set for July 21, 2009, is extended for a period of 60 days until September 21, 2009. All other dates in the Court's scheduling order remain intact.

IT IS SO ORDERED.

Date: July 13, 2009

S/Lawrence P. Zatkoff  
LAWRENCE P. ZATKOFF  
UNITED STATES DISTRICT JUDGE

ENTRY OF THIS ORDER SHALL  
NOT DELAY THE PROCEEDINGS  
IN THE ABOVE MATTER IN  
ANY MATTER WHATSOEVER.